

REPORT TO LEGISLATURE

NR 20.03(1)(q)1.a., Wis. Adm. Code
Hook and line sturgeon angling

Board Order No. FM-31-94
Clearinghouse Rule No. 95-075

Statement of Need

Lake sturgeon has been an important species in the Lake Winnebago-Wolf-Upper Fox River System from biological, economic, social and cultural perspectives. Records of significant cultural and spiritual use of sturgeon by Menominee peoples date back to the late 1600's. Around the Winnebago region, the lake sturgeon is an important part of the local non-Indian culture.

Each spring, lake sturgeon migrate from Lake Winnebago up the Wolf River to spawn at numerous rocky sites from New London upstream to the dam at Shawano. Before the construction of the Shawano dam in the late 1880's, some of the sturgeon were able to migrate during their spawning run up river as far as Keshena Falls on the Menominee Indian Reservation. The construction of the Balsam Row dam in the late 1920's created an additional barrier to the movement of fish. Currently, there are no lake sturgeon known to inhabit Reservation waters.

The Menominee Indian Tribe of Wisconsin has a long standing tradition of utilizing sturgeon for cultural and spiritual purposes. The Tribe has an interest in reestablishing lake sturgeon in Reservation waters. In 1993, the Menominee Tribe held discussions with the Wisconsin Department of Natural Resources, the U.S. Fish and Wildlife Service and the Bureau of Indian Affairs to explore the possibility of returning lake sturgeon to the Menominee people. The discussions led to the establishment of the multi-agency Menominee Reservation Sturgeon Management Planning Committee, which has been charged to develop a sturgeon management plan for the Menominee Reservation.

The primary focus of the plan is to establish and maintain one or more harvestable lake sturgeon populations on Reservation waters. To that end, the Sturgeon Enhancement Committee examined all waters on the Menominee Reservation that had potential for sturgeon management. Waters were assessed for availability of habitat and water quality necessary for successful natural reproduction and maintenance of a viable lake sturgeon population. Two areas that were identified as having potential for natural maintenance of a sturgeon stock were the Wolf River from Balsam Row dam to Keshena Falls and above Keshena Falls to Big Eddy Falls. Two areas were also identified as having good potential for put-grow and harvest sturgeon fisheries: the Neopit Mill Pond/Bass Lake Complex and the Legend Lake System.

Tribal, federal and state personnel have agreed that transfer of adult sturgeon to Reservation waters will not take place until the Department implements the necessary regulations to provide adequate protection of the sturgeon. Consequently, the current rule proposal is to protect the reintroduced fish by prohibiting all hook and line angling for lake sturgeon in all waters of Menominee County.

Modifications as a Result of Public Hearing

No modifications were made as a result of public hearing.

Appearances at the Public Hearing and Their Position

No one appeared at the public hearing.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The rule applies only to sport anglers and, therefore, will not have a direct impact on small businesses.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

The Wisconsin Natural Resources Board adopts
an order to amend NR 20.03 (1)(q) 1. a. relating
to hook and line sturgeon angling

FM-31-94

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.174 (3) and 227.11 (2) (a), Stats.

Statutes interpreted: ss. 29.174 (2) (a), Stats.

In this order, the proposed rule would prohibit angling for lake sturgeon in all waters of
Menominee County.

SECTION 1. NR 20.03 (1) (q) 1. a. is amended to read:

| Kind of fish and locality | Open season (both dates inclusive) | Daily bag limit | Minimum length (inches) |
|---|---|-----------------------|-------------------------------|
| (q) ROCK AND LAKE STURGEON | | | |
| 1. Hook and line season | | | |
| a. In all waters except Lakes Poygan, Winneconne, Butte des Morts, Winnebago and connect- ing waters; in the Embarrass river from the Pella dam, Shawano county downstream to its confluence with the Wolf river in Outagamie county; in the Shioc river from the Outagamie-Shawano county line downstream to its confluence with the Wolf river, in the Little Wolf river from the Manawa dam, Waupaca county downstream to its confluence with the Wolf river in Waupaca county; the Wolf river from the dam at Shawano Keshena Falls downstream to Lake Poygan; and the Fox river downstream from milepost No. 63, commonly known as Johnson creek | First Saturday in September to October 15 | 1 per season | 50 |

in Green Lake county to Lake Butte des Morts; in the St. Croix river from Upper St. Croix lake, Douglas county downstream to the Minnesota state line; in the Namekagon river from Namekagon lake, Bayfield county downstream to its confluence with the St. Croix river in Burnett county, in the Totagatic river from Totagatic lake, Bayfield county downstream to its confluence with the Namekagon river in Burnett county; and the Nemadji river, Allouez bay, Little Pokegama bay, Pokegama bay and Kimballs bay, Douglas county; Wisconsin river, from the dam in Wisconsin Dells upstream to its origin, including all flowages and tributaries upstream to the first dam or highway bridge on the tributary; and all other waters of Menominee county.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 18, 1995.

The rules contained herein shall take effect on January 1, 1996, pursuant to authority granted by s. 227.22(2)(b), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)